

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:15-CV-00366-RJC-DSC**

M. DUGAN, et. al.,)
)
Plaintiffs,)
)
v.)
)
PHILLIPS WIEGAND JR., et. al.,)
)
Defendants.)

THIS MATTER is before the Court sua sponte following briefing of “Defendant Phillips Weigand, Jr.’s Motion to Dismiss ...” (document #4).

Defendant contests the existence of diversity of citizenship required for subject matter jurisdiction because Plaintiff has not identified the citizenship of the members of the Defendant limited partnerships, limited liability partnerships and limited liability companies.

Defendant further contends that diversity may be defeated because Plaintiffs are also members of some of the Defendant entities. The parties have not addressed the issue of whether the presence of the same party as both a Plaintiff and Defendant for diversity purposes defeats subject matter jurisdiction.

IT IS THEREFORE ORDERED that:

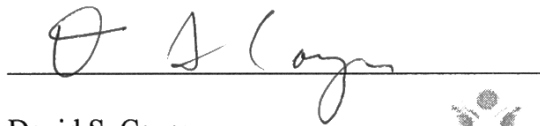
1. On or before January 4, 2016, Plaintiffs shall file a supplemental brief stating the citizenship of each member of each Defendant limited partnership, limited liability partnership and limited liability company, and addressing the issue of whether the presence of the same party as both a Plaintiff and Defendant for diversity purposes defeats subject matter jurisdiction.

2. Within fourteen days of the filing of Plaintiffs' supplemental brief, Defendants may file a supplemental brief addressing either or both of those issues.

3. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Robert J. Conrad, Jr..

SO ORDERED.

Signed: December 4, 2015

A handwritten signature in cursive script, appearing to read "D S Cayer", is written over a horizontal line.

David S. Cayer
United States Magistrate Judge

